

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34342

STATE OF IDAHO,)	2008 Unpublished Opinion No. 561
)	
Plaintiff-Respondent,)	Filed: July 29, 2008
)	
v.)	Stephen W. Kenyon, Clerk
)	
CHRISTOPHER ALLEN RANSOM,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Deborah A. Bail, District Judge.

Order relinquishing jurisdiction and ordering into execution previously imposed sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

PER CURIAM

Christopher Allen Ransom was charged with possession of methamphetamine and with driving without privileges and, pursuant to a plea agreement, pled guilty to possession of methamphetamine, I.C. § 37-2732(c), and was sentenced to a unified term of seven years, with one year determinate. The district court suspended the sentence and placed Ransom on probation for seven years. Ransom subsequently violated the terms of his probation and the district court revoked probation and retained jurisdiction. After Ransom completed his rider, the district court relinquished jurisdiction and ordered the underlying sentence into execution. Ransom appeals, contending that the district court abused its discretion by relinquishing jurisdiction.

The decision whether to place a defendant on probation or, instead, to relinquish jurisdiction is committed to the discretion of the sentencing court. *State v. Lee*, 117 Idaho 203,

786 P.2d 594 (Ct. App. 1990). It follows that a decision to relinquish jurisdiction will not be disturbed on appeal except for an abuse of discretion. *State v. Chapman*, 120 Idaho 466, 816 P.2d 1023 (Ct. App. 1991). The standards governing the trial court's decision and our review were explained in *State v. Merwin*, 131 Idaho 642, 962 P.2d 1026 (1998).

“Refusal to retain jurisdiction will not be deemed a ‘clear abuse of discretion’ if the trial court has sufficient information to determine that a suspended sentence and probation would be inappropriate under [the statute].” While a Review Committee report may influence a court's decision to retain jurisdiction, “it is purely advisory and is in no way binding upon the court.” Idaho Code § 19-2521 sets out the criteria a court must consider when deciding whether to grant probation or impose imprisonment. . . . “A decision to deny probation will not be held to represent an abuse of discretion if the decision is consistent with [the § 19-2521] standards.”

Id. at 648, 962 P.2d at 1032 (citations omitted).

Having reviewed the information that was before the district court when it relinquished jurisdiction over Ransom, including the addendum to the presentence investigation report, we find no abuse of discretion in the decision to relinquish jurisdiction.

We conclude that the district court did not abuse its discretion in relinquishing jurisdiction and in ordering into execution the previously imposed sentence of seven years, with one year determinate, for possession of methamphetamine. Therefore, the district court's order relinquishing jurisdiction and imposing sentence is affirmed.